UNITED STATES PATENT AND TRADEMARK OFFICE

m̖

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/044,213	11/20/2001	Vincent E. Parla	CIS01-06(4183)	7385

7590   06/05/2007

Barry W. Chapin, Esq.
CHAPIN & HUANG, L.L.C.
Westborough Office Park
1700 West Park Drive
Westborough, MA 01581

EXAMINER
ANYA, CHARLES E

ART UNIT	PAPER NUMBER
2194	

MAIL DATE	DELIVERY MODE
06/05/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

	Application No.	Applicant(s)
Office Action Summary	10/044,213	PARLA ET AL.
	Examiner	Art Unit	
	Charles E. Anya	2194	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3/ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>06 March 2007</u>.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1,2,4-20,22-40 and 42-44</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1,2,4-20,22-40 and 42-44</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

WILLIAM THOMSON
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

1.   Claims 1,2,4-20,22-40 and 42-44 are pending in this application.

Claim Rejections - 35 USC § 103

2.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3.   **Claims 1,2,4-13,19,20,22-31,37-39,43 and 44 are rejected under 35 U.S.C.**

103(a) as being unpatentable over U.S. Pat. No. 6,167,448 to Hemphill et al. in view

of U.S. Pat. No. 6,594,786 B1 to Connelly et al.

4.   As to claim 1, Hemphill teaches an event processing server, a method for

processing events comprising the steps of: receiving an event message ("...ENM..." Col.

2 Ln. 10 - 17); the event message contains event registration information including

product version currently supported (ENM 207/EAS Files 210 "...DEVICENAME...", Col.

10 Ln. 23 – 67, Col. 12 Ln. 31 – 67) and a definition of a set of classes for said product,

said definition of a set of classes includes, for each class, a name (DEVICENAME), a

unique identifier (DEVICEID), a description of the class, and definitions of dynamic

variables for each class, said dynamic variables including properties and alarm

attributes (ENM 207/EAS Files 210 "...DEVICEID...DEVICENAME EVENTURL..." Col.

10 Ln. 23 - 67, Col. 11 Ln. 1 - 67); identifying event information required to process

event data based on the event message ("...locate a file..." Col. 2 Ln. 20 - 23, Col. 2 Ln.

43 - 48, Col. 8 Ln. 27 - 45).

Hemphill is silent with reference to determining if existing event information is

accessible to process the event data and if the existing event information is not

accessible: (i) providing an event rejection indicating missing event information; and (ii)

receiving the missing event information identified in the event rejection.

Connelly teaches determining if existing event information is accessible to

process the event data and if the existing event information is not accessible; (i)

providing an event rejection indicating missing event information (Col. 16 Ln. 57 - 67);

and (ii) receiving the missing event information identified in the event rejection ("...Step

188..." Col.17 Ln. 10 - 16).

It would have been obvious to one of ordinary skill in the art at time the invention

was made to modify the system of Hemphill with the teaching of Connelly because the

teaching of Connelly would improve the system of Hemphill by providing an agent-

server recovery protocol for notifying a monitored system by a monitoring server (HA

server) to correct an error event received therefrom (Connelly Col. 16 Ln. 57 - 63).

5.   As to claim 2, Hemphill teaches the method of claim 1 further comprising the

steps of: selecting the event information based on the event data received', and

generating an event output from the selected event information (Col. 2 Ln. 43 - 48).

6.   As to claim 4, Hemphill teaches the method of claim 1 wherein the event

message includes at least one unique identifier identifying the source of the event data

("...DEVICEID..." Col. 9 Ln. 32 - 50, Col. 10 Ln. 38 - 52).

7.   As to claim 5, Hemphill teaches the method of claim 4 wherein the step of

identifying event information required to process event data identifies the event

information required based on the source of the event data (Col. 8 Ln. 43 - 45).

8.   As to claim 6, Hemphill teaches the method of claim 1 wherein the event

message includes at least one unique identifier identifying event information required to

process the event data ("...locate a file..." Col. 2 Ln. 20 - 23, Col. 2 Ln. 43 - 48, Col. 8

Ln. 27 - 45).

9.   As to claim 7, Connelly teaches the method of claim 1 wherein the steps of

receiving comprise a step of accepting at least one of event registration information,

event data and event information mark-up language documents (Step 188 Col. 17 Ln.

14 - 16).

10.   As to claim 8, Hemphill teaches the method of claim 1 wherein the event data

includes network management data indicating a network management event associated

with a source of the event data and wherein the step of receiving event data utilizes a

hypertext transport protocol to receive the event data (Col. 10 Ln. 22 - 62).

11.   As to claim 9, Connelly teaches the method of claim 1 wherein in the step of

determining, if the existing event information is accessible, the method further

comprises the steps of: (i) providing an event data destination; and (ii) receiving the

event data via the event data destination (Step 190 Col. 17 Ln. 10 - 19, figure 8B Col.

18 Ln. 3 - 14).

12.   As to claim 10, Connelly teaches the method of claim 9 wherein the steps of

receiving comprise the steps of: reading first and second event data; processing the first

and second event data to produce event output data that reflects a hierarchical event

relationship between the first and second event data ("...out-of-sequence..." figure 7E

Col. 17 Ln. 10 - 19, figure 8 Col. 18 Ln. 3 - 14).

13.   As to claim 11, Connelly teaches the method of claim 1 further comprising the

step of creating system component status records and wherein the step of receiving the

event data further includes the step of: updating a status of the system component

status record based on the event data received ("...status change..." Col. 9 Ln. 65 - 67,

Col. 10 Ln. 1 - 9).

14.   As to claim 12, Hemphill the method of claim 1 wherein the event message

contains event data (ENM 207 Col. 10 Ln. 22 - 62).

15.   As to claims 13 and 31, see the rejection of claim 1 above.

16.   As to claim 19, Hemphill teaches an event processing server for processing

event messages comprising: a memory; a communications interface; a processor; and

an interconnection mechanism coupling the memory, the processor and the

communications interface (Server I/F 221 Col. 8 Ln. 1 - 14), wherein the processor is

configured to: receive an event message (Event Processor Logic 222 (ENM 207) Col. 8

Ln. 15 - 26), the event message contains event registration information including

product version currently supported (ENM 207/EAS Files 210 "...DEVICENAME...", Col.

10 Ln. 23 – 67, Col. 12 Ln. 31 – 67) and a definition of a set of classes for said product,

said definition of a set of classes includes, for each class, a name (DEVICENAME), a

unique identifier (DEVICEID), a description of the class, and definitions of dynamic

variables for each class; said dynamic variables including properties and alarm

attributes (ENM 207/EAS Files 210 "...DEVICEID...DEVICENAME EVENTURL..." Col.

10 Ln. 23 - 67, Col. 11 Ln. 1 - 67), identify event information required to process event

data based on the event message ("...location pointer..." Col. 8 Ln. 27 - 45).

Hemphill is silent with reference to determining if existing event information is

accessible to process the event data and if the existing event information is not

accessible; (i) provide an event rejection indicating missing event information; and (ii)

receive the missing event information identified in the event rejection.

Connelly teaches determining if existing event information is accessible to

process the event data and if the existing event information is not accessible: (i)

providing an event rejection indicating missing event information (Col. 16 Ln. 57 - 67);

and (ii) receiving the missing event information identified in the event rejection "...Step

88..." Col.17 Ln. 10 - 16).

It would have been obvious to one of ordinary skill in the ad at time the invention

was made to modify the system of Hemphill with the teaching of Connelly because the

teaching of Connelly would improve the system of Hemphill by agent-server recovery

protocol for notifying a monitored system by a monitoring server (HA server) to correct

an error event received therefrom (Connelly Col. 16 Ln. 57 - 63).

17.   As to claims 20 and 22 - 30, see the rejection of claims 2 and 4 - 12 respectively.

18.   As to claims 37 and 38, see the rejection of claims 1 and 19 respectively.

19.   As to claim 39, Hemphill teaches the method of claim 1, wherein said event

registration information includes information that identifies a source of forthcoming event

data as well as event information that the event processing server will require in order to

be able to correctly process the forthcoming event data (EAS Files 210 Col. 10 Ln. 63 -

67, Col. 11 Ln. 1 - 67, Col. 12 Ln. 1 - 67).

20.   As to claim 43, Hemphill teaches to the method of claim 1, further comprising

maintaining a time history of a series of events related to an alarm attribute

("...EVENTTIME..." Col. 10 Ln. 27 – 52).

21.   As to claim 44, see the rejection of claim 43 above.

22.   Claims 14-16 and 32-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Pat. No. 6,779,004 B1 to Zintel in view of U.S. Pat. No. 6,167,448 to Hemphill et al.

23.   As to claim 14, Zintel teaches in an event generation client, a method for processing events comprising: sending event registration information including identifying event information required to process event data (RegisterupnpEventsource() Col. 32 Ln. 10 - 38, Col. 33 Ln. 50 - 67); detecting an event (SumbitupnppropertyEvent() Col. 33 Ln. 1 - 42); in response to detecting an event, creating event data (Col. 33 Ln. 24 - 25, Col. 34 Ln. 1 - 8); and sending the event data to an event processing server ("...subscribers..." Col. 33 Ln. 1 - 28, HUP Server 626 Col. 34 Ln. 15 - 25).

Zintel is silent with reference to event registration information further including product versions currently supported, a definition of a set of classes for said product and said definition of a set of classes includes, for each class, a name, a unique identifier, a description of the class, and definitions of dynamic variables for each class, said dynamic variables including properties and alarm attributes.

Hemphill teaches the event message contains event registration information including product version currently supported (ENM 207/EAS Files 210

"...DEVICENAME...", Col. 10 Ln. 23 – 67, Col. 12 Ln. 31 – 67) and a definition of a set

of classes for said product, said definition of a set of classes includes, for each class, a

name (DEVICENAME), a unique identifier (DEVICEID), a description of the class, and

definitions of dynamic variables for each class, said dynamic variables including

properties and alarm attributes (ENM 207/EAS Files 210 "...DEVICEID...DEVICENAME

EVENTURL..." Col. 10 Ln. 23 - 67, Col. 11 Ln. 1 - 67).

It would have been obvious to one of ordinary skill in the art at time the invention

was made to modify the system of Zintel with the teaching of Hemphill because the

teaching of Hemphill would improve the system of Zintel by providing a flexible scheme

for encoding management information in response to a management event (Hemphill

Col. 1 Ln. 50 – 52, Col. 2 Ln. 36 – 37).

24.   As to claim 15, Zintel teaches the method of claim 14 wherein the step of

creating event data includes formatting the event data in a mark-up language format

capable of transmission via a hyper-text transport protocol (Col. 29 Ln. 11 - 16, "...XML

body..." Col. 33 Ln. 24 - 25).

25.   As to claim 16, Zintel teaches the method of claim 14 wherein the step of sending

event registration information, further comprises the step of: initiating a multiple of status

checks of sources to produce status check information; and forwarding status check

information in the event data to the event processing server ("...alive..." Col. 39 Ln 9 -

11).

26.   As to claims 32 - 34, see the rejection of claims 14 - 16 respectively.

27.   Claims 17 and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable

over U.S. Pat. No. 6,779,0.04 B1 to Zintel in view of U.S. Pat. No. 6,167,448 to

Hemphill et al. as applied to claims 14 or 32 above, and further in view of U.S. Pat.

No. 6,526,442 B1 to Stupek Jr. et al.

28.   As to claim 17, Hemphill and Zintel are silent with reference to the method of

claim 14 wherein the step of sending the event data further comprises the step of:

periodically sending event data to the event processing server as confirmation of an

operating communications channel.

Stupek teaches the method of claim 14 wherein the step of sending further

comprises the step of: periodically sending event data to the event processing server as

confirmation of an operating communications channel (Col. 2 Ln. 54 - 67).

It would have obvious to one of ordinary skill in the art at the time the invention

was made to modify the system of Hemphill and Zintel with the teaching of Stupek

because the teaching of Stupek would improve the system of Hemphill and Zintel by

providing plurality of notices indicative of the state of network to a management engine

(Stupek Col. 2 Ln. 54 - 67).

29.   As to claim 35, see the rejection of claim 17 above.

30.   Claims 18 and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Pat. No. 6,779,0.04 B1 to Zintel in view of U.S. Pat. No. 6,594,786 B1 to Connelly et al., and further in view of U.S. Pat. No. 6,167,448 to Hemphill et al. as applied to claims 14 or 32 above, and further in view of U.S. Pat. No. 6,594,786 B1 to Connelly et al.

31.   As to claim 18, Zintel and Hemphill are silent with reference to the method of claim 14, further including the steps of: receiving an event rejection indicating missing event information from an event process server; obtaining the missing information; and sending the missing evening information to the event processing server.

Connnelly teaches the method of claim 14, further including the steps of: receiving an event rejection indicating missing event information from an event process server; obtaining the missing information; and sending the missing evening information to the event processing server ("...Step 188..." Col.17 Ln. 10 - 16).

It would have been obvious to one of ordinary skill in the art at time the invention was made to modify the system of Hemphill and Zintel with the teaching of Connelly because the teaching of Connelly would improve the system of Hemphill and Zintel by providing an agent-server recovery protocol for notifying a monitored system by a monitoring server (HA server) to correct an error event received therefrom (Connelly Col. 16 Ln. 57 - 63).

32.   As to claim 36, see the rejection of claim 18 above.

33.   **Claims 45 and 46 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Pat. No. 6,167,448 to Hemphill et al. in view of U.S. Pat. No. 6,594,786 B1 to Connelly et al. as applied to claims 43 or 44 above, and further in view of U.S. Pub. No. 2004/0205689 A1 to Ellens et al.**

34.   As to claim 45, Connelly and Hemphill are with reference to the method of claim 43 further comprising tracking how often the attribute is down and how often the attribute is up based on said time history of a series of events related to an alarm attribute.

Ellens teaches the method of claim 43 further comprising tracking how often the attribute is down and how often the attribute is up based on said time history of a series of events related to an alarm attribute ("...frequency of the fault..." page 5 paragraphs 0068-0071).

It would have obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Connelly and Hemphill with the teaching of Ellens because the teaching of Ellens would improve the system of Connelly and Hemphill by allowing for a process of disabling application server for a period of time when the fault events are received at an excessive rate (Ellens page 3 paragraph 0044).

35.   As to claim 46, see the rejection of claim 45 above.

Response to Arguments

Applicant's arguments filed 9/25/06 have been fully considered but they are not persuasive.

Applicant argues in substance that (1) the Hemphill prior art does not teach a registration information including product versions currently supported and definition of a set of classes for the product, more especially since the Examiner the had agreed in a prior office action that the Hemphill prior art does not teach the above limitation and (2) the Hemphill prior art does not teach maintaining a time history of a series of events related to an alarm attribute.

As to point (1), the Examiner had in an earlier office action indicated that the Hemphill prior art is silent with reference to a registration information including product versions currently supported and definition of a set of classes for the product, however, after careful review of the disclose and the Hemphill prior art the Examiner thinks otherwise, hence the non final rejection of 12/13/06. The Examiner does not consider XML a device as the Applicant seems to suggest but the XML referred to in the rejection is an XML template that describes an event and device to be monitored.

The ENM 207 message of the Hemphill prior art represents the event message of the instant invention as claimed. The ENM 207 as the event message is an XML template that includes the description of the product/device to be monitored or is been registered and the description include the source of the ENM 207 message, the device name, the device identifier, the event code, the event time etc.

As to point (2), the ENM 207 message as indicated above includes the time of

event (column 9 lines 51 – 52, column 10 lines 49 – 52) and is sent from a managed

device 202 to a management server 220. The Event Processor Logic 222 of

Management Server 220 receives the ENM 207 message and stores the various

elements of the ENM 207 message including the time of event element (column 13 lines

39 – 42). If the Management Server 220 via the Event Processor Logic 22 would store

the ENM 207 message including the time of event each time the ENM 207 message is

received as the Hemphill prior art unarguably discloses why would one not logical

conclude that the Management Server 220 maintains a time history of events.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in

this Office action. Accordingly, **THIS ACTION IS MADE FINAL.** See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37

CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Charles E. Anya whose telephone number is (571) 272-

3757. The examiner can normally be reached on M-F (8:30-5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, William Thomson can be reached on (571) 272-3718. The fax phone

number for the organization where this application or proceeding is assigned is 571-

273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

Charles E Anya
Examiner
Art Unit 2194

cea.

WILLIAM THOMSON
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100